

how CRA defines a rule. CRA adopts the definition of a rule in section 551 of the Administrative Procedure Act (APA), with three exceptions. The APA defines a rule, in relevant part, as “the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency.” Thus a rule has three key components: it must (1) be an agency statement, (2) have future effect, and (3) be designed to either implement, interpret, or prescribe law or policy or describe the agency’s organization, procedure, or practice requirements.

First, since the Eastern Interior Plan was issued by BLM, a federal agency, the first part of the definition is met. Second, the Eastern Interior Plan clearly states that it “provide[s] overall direction for management of all resources on BLM-managed lands” within the four planning areas it includes. In three of those areas, it replaces plans implemented 30 or more years ago; and in the fourth area it establishes an initial Management Plan for an area that previously had no approved plan. All four RMPs make recommendations and designate future uses of their respective areas. Therefore, the Plan has future effect and the second part of the definition is also met.

Third, the agency statement must be designed to implement, interpret, or prescribe law or policy. Each of the four RMPs prescribes policies for future use of the areas they cover, such as where mining or off-highway vehicles are permitted; and two of the RMPs identify Areas of Critical Environmental Concern. Each of the RMPs implements the provisions of FLPMA and other applicable statutory and regulatory provisions. Implementation required extensive consultation with parties that have interests in that region through notice and public comment; public hearings; and then an opportunity for the Governor of Alaska to provide final comments. Therefore, the third part of the definition is also met.

As noted above, CRA provides that three types of rules are not subject to its requirements. The three exceptions are for: (1) rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. We conclude that these exceptions do not apply.

First, as we determined in our recent Tongass decision, a resource management plan is a rule of general applicability, since it governs all natural resource management activities, all projects approved to take place, and all persons or entities that engage in uses permitted by those projects. Second, the Eastern Regional Plan does not relate to agency management or personnel, since it is concerned with management of uses of the areas it governs by the public rather than management of BLM itself or its personnel. Additionally, as we also concluded in the Tongass decision, when a resource management plan has a substantial effect on non-agency parties, it cannot be considered to be a rule of agency organization, procedure or practice. Because the Eastern Interior Plan designates uses by non-agency parties that may take place in the four areas it governs, it is not a rule of agency organization, procedure or practice.

CONCLUSION

The Eastern Interior Resource Management Plan and the four RMPs it contains are rules subject to the requirements of the CRA.

If you have any questions about this opinion, please contact Robert J. Cramer, Associate General Counsel, at (202) 512-7227.

Sincerely yours,

SUSAN A. POLING,
General Counsel.

USS “JACKSONVILLE”

Mr. NELSON. Mr. President, I would like to recognize the Los Angeles-class attack submarine USS *Jacksonville* prior to her decommissioning. On August 10, the USS *Jacksonville* returned to homeport at Joint Base Pearl Harbor-Hickam after completing her final deployment in the Western Pacific.

The completion of this mission marked the USS *Jacksonville*’s 15th deployment since the ship’s commissioning in May 1981. Over her lifespan, the USS *Jacksonville* has completed two around-the-world cruises, visited ports in nearly every continent, and completed countless critical missions. While assigned to the Enterprise battle group on September 11, 2001, the *Jacksonville* provided critical intelligence support as the Nation prepared to respond to the horrific attacks.

In a tribute to its namesake, the *Jacksonville*’s nickname is “The Bold One,” based on the city of Jacksonville, Florida’s slogan of “The Bold New City of the South.” I am sure the entire city of Jacksonville, with its rich naval tradition, is honored today by this submarine’s legacy, and the outstanding service provided by her crew and their dedication to our great Nation.

Current and former crew will be hosting a reunion this November in Hawaii to say one final good-bye to the USS *Jacksonville*. I invite my colleagues to join me in honoring the boat, her current crew, and all of our Nation’s courageous sailors who have served on board in years past.

PUBLIC HEALTH THANK YOU DAY

Mr. BOOKER. Mr. President, today I wish to express my gratitude for a community of individuals who are unfailing in their commitment to protecting the public health in my home State of New Jersey, across the United States, and abroad. From preventing chronic disease to responding to pandemics, epidemics, and natural disasters, to ensuring our Nation is prepared in the event of bioterrorist attacks, to reducing health disparities in ways that promote access, participation, and opportunity, the extraordinary and diverse contributions of public health professionals have profound impacts on American lives.

The breadth of functions for which public health departments are responsible and the depth of expertise the public health workforce possesses are truly remarkable. Among their many responsibilities include Zika response and awareness; ensuring restaurants, local parks, and other venues are safe and clean; monitoring air and water

quality; tracing and containing disease outbreaks; conducting health screenings; providing health education; investigating potential cancer clusters; fielding questions on everything from animal welfare to newborn screening, and the list goes on.

The importance of public health research and practice is clearly evident as neglected diseases of poverty emerge and spread in the U.S. While these bacterial and parasitic infections primarily affect low- and middle-income countries in Africa, Asia, and Latin America, they are increasingly evident in the U.S. In fact, illnesses including Zika, toxoplasmosis, and Chagas disease have collectively impacted millions of Americans. Despite significant gaps in awareness and resources, our public health workforce has made great strides in monitoring and preventing these diseases; their efforts benefit both Americans and communities across the globe.

Placing a high priority on public health not only improves quality of life, it helps drive economic growth. By preventing disease and promoting healthy behaviors, we can reduce both direct healthcare costs and economic losses due to reduced productivity. The fiscal benefits of public health are clear—according to the American Public Health Association, every dollar we spend on childhood vaccinations saves \$16.50 in future health costs. Additionally, an estimated 75 percent of health spending in the U.S. is related to preventable chronic diseases—investing in community health initiatives that reduce the rates of obesity, heart disease, and diabetes saves both money and lives.

It is with gratitude for their invaluable contributions to the health and security of communities across New Jersey, our Nation, and the world, that I recognize Public Health Thank You Day on Monday, November 20, 2017.

NATIONAL HOSPICE AND PALLIATIVE CARE MONTH AND 40TH ANNIVERSARY OF CAPITAL CARING

Mrs. CAPITO. Mr. President, I would like to take time today to acknowledge that November is National Hospice and Palliative Care Month and to honor Capital Caring, a nonprofit hospice, on its 40th anniversary. In the 12 counties of the Mountain State, the organization is known as West Virginia Caring.

Capital Caring, with its headquarters in Falls Church, VA, provides daily inpatient and home care to thousands of patients and families across the mid-Atlantic region—West Virginia, Virginia, Maryland, and the District of Columbia. Malene Davis, MBA, MSN, RN, CHPN, is president and CEO of Capital Caring. In 2016, she and her team offered hospice care to 6,980 patients and palliative care to an additional 1,892 individuals. In addition, 1,000 people are employed by Capital Caring and West Virginia Caring.

This is a year of milestones for Malene. She is currently serving as